

SEP 26 2006

FOX • ROTHSCHILD LLP

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DATE: SEPTEMBER 26, 2006

FACSIMILE TRANSMITTAL SHEET

TO:	COMPANY:	FAX NUMBER:	PHONE NUMBER:
Examiner Anne Marie M. Boehler	U.S. Patent & Trademark Office	571-273-8300	571-272-6641
FROM:	PHONE NUMBER:	EMAIL:	BILLING NUMBER:
John P. Blasko	(609) 895-6639	jblasko@foxrothschild.com	1149
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NOTES/COMMENTS:

US Patent Appln 10/763,797; filed January 23, 2004; Smollock et al. ; for "Transport System for Portable Auger".

1. Transmittal Form (1 page);
2. Response under 37 CFR § 1.113(C) and 1.116 (8 pages); and
3. Fee Transmittal.

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LV1 429958v1 09/26/06

SEP 26 2006

PTO/SB/21 (07-06)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/763,797

Filing Date

January 23, 2004

First Named Inventor

Michael J. Smollock

Art Unit

3611

Examiner Name

Boehler, Anne Marie M.

Attorney Docket Number

MK-01

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



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Remarks



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Fox Rothschild, LLP

Signature

Printed name

John P. Blasko

Date

September 26, 2006

Reg. No.

31,149

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name

Cheryl L. Powell

Date

09/26/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 26 2006
Attorney Docket No. MK-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :
Michael J. Smollock :
 :
Application No.: 10/763,797 : Group Art Unit: 3611
 :
Filed: January 23, 2004 : Examiner: Boehler, Anne
 : Marie M.
 :
For: TRANSPORT SYSTEM FOR :
PORTABLE AUGER :
 :
 : X

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR § 1.113(C) AND 1.116

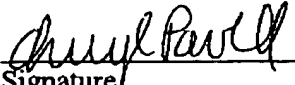
This paper is being filed in response to the Final Office Action mailed August 10, 2006.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. Section 1.8(a)

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Cheryl L. Powell
Printed Name
 September 26, 2006
Signature Date

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$) **0.00****Complete if Known**

Application Number	10/763,797
Filing Date	January 23, 2004
First Named Inventor	Michael J. Smollock
Examiner Name	Boehler, Anne Marie M.
Art Unit	3611
Attorney Docket No.	MK-01

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

20 - 20 or HP = 0 x _____ = 0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

3 - 3 or HP = 0 x _____ = 0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u> </u> - 100 = <u> </u> / 50 = <u> </u> (round up to a whole number) x <u> </u> = <u>0.00</u>				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	31,149	Telephone	609-895-6639
Name (Print/Type)	John P. Blasko	Date	September 26, 2006		

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